PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of	: Attorney Docket No.:
Terresa B. Ogletree	: 8092-135 (184146)
	:
Serial No.: 10/690,111	: Group Art Unit:
	: 1761
Filed: October 21, 2003	:
	: Examiner:
For: Extensible Band for a Watch	Not yet assigned

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
(37 CFR 1.102 and MPEP §708.02)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

        Applicants hereby petition to make this application special because of actual infringement.

        Accompanying this petition is a Declaration in Support of Petition to Make Special Because of Actual Infringement.

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BY _____

DATE: _October 14, 2004_

Fee

A check for $130 is enclosed for the fee for the Petition. Please charge any additional fee due relevant to this Petition, or credit any over-payment, to Deposit Account No. 50-0573.

Respectfully submitted,

TERRESA B. OGGETREE

BY: _____

ROBERT E. CANNUSCIO
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Attorney for Applicant

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Terresa B. Ogletree	:	8092-135 (184146)
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Serial No.: 10/690,111	:	Group Art Unit:
	:	1761
Filed: October 21, 2003	:	
	:	Examiner:
For: Extensible Band for a Watch		Not yet assigned

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 CFR 1.102 and MPEP §708.02)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

      I, Robert E. Cannuscio of One Logan Square, 18th and Cherry Streets, Philadelphia, Pennsylvania 19103-6996, Registration No. 36,469, am attorney of record for the applicant in this application and hereby states as follows:

      1.   We have become aware of a product actually on the market which currently infringes one or more claims of the pending application. Attached hereto is a copy of information downloaded on October 11, 2004 from Internet website http://www.buttonband.com evidencing an offer for sale of the alleged infringing product.

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

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BY _____

DATE _____

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2.   As required by MPEP § 708.02(I), I have performed a rigid comparison of the alleged infringing product with the claims of the application. In my opinion, at least claims 9 and 10 are unquestionably infringed.

3.   I have caused to be made a careful and thorough search of the prior art and all such material was previously submitted concurrently with the filing of this application. The search included classes/subclasses:

132/141, 144, 273-275, 247, 248;
224/168, 164, 178, 163, 152, 903, 173, 175, 176, 171, 576;
368/258, 282, 286
D28/39-41, 25, 28;
D10/30-33, 36, 38, 39; and
D2/865, 858, 610, 875, 894

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10/18/04

Robert E. Cannuscio